

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

EDWARD PACHECO-MUNIZ,

Plaintiff,

v.

JESUS GONZALEZ-CRUZ, *et al.*,

Defendants.

CIVIL NO. 12-2058 (JAG)

MEMORANDUM & ORDER

GARCIA-GREGORY, D.J.

Before the Court is defendant Jesus Gonzalez-Cruz ("Gonzalez") and Carlos Molina-Rodriguez's ("Molina") motion to dismiss under Fed. R. Civ. P. 12(b)(6). (Docket No. 13). This motion was referred to Magistrate Judge Lopez, who issued a report and recommendation. (Docket No. 19). After considering Plaintiff's objections, (Docket No. 20), and *de novo* review of Defendants' motion, the Court finds that the magistrate's findings and conclusions of law are correct.

The Court hereby **ADOPTS** in its entirety the magistrate's report for the reasons stated therein. (Docket No. 19). Accordingly, Defendant's motion is:

- (1) **GRANTED** as to Plaintiff's § 1983 claims for monetary damages against Defendants' in their official capacities,
- (2) **DEEMED MOOT** as to Plaintiff's claim for injunctive relief against Defendants' in their official capacity;
- (3) **DENIED** as to Plaintiff's claims against Gonzalez in his personal capacity under the First Amendment, Procedural Due Process Clause of the Fourteenth Amendment and Law 100;

- (4) **GRANTED** as to Plaintiff's claims against Molina in his personal capacity under the First Amendment, Due Process Clause of the Fourteenth Amendment and Law 100;
- (5) **GRANTED** as to Plaintiff's claims under the Fifth Amendment, Substantive Due Process Clause of the Fourteenth Amendment and Article 1802.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 31st day of March, 2014.

S/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge